

STATE OF MINNESOTA  
COUNTY OF HENNEPIN

DISTRICT COURT  
FOURTH JUDICIAL DISTRICT  
CASE TYPE: CIVIL

---

Virginia Marie Carlson,  
Plaintiff,

Court File No. \_\_\_\_\_

**SUMMONS**

v.

Educational Credit Management Corporation  
(ECMC), Allied Interstate, LLC, U.S. Department  
of Education,  
Defendants.

---

STATE OF MINNESOTA to the above-named Defendant:

You are hereby summoned and required to serve upon Plaintiff an answer to the Complaint which is herewith served upon you within 20 days after service of this Summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the Complaint.

You are further notified that this case may be subject to Alternative Dispute Resolution pursuant to Minn. Stat. § 543.22 and Rule 114.01 of the General Rules of Practice for the District Courts.

Dated: August 26, 2019

Respectfully submitted,

*/s/ Virginia Carlson, pro se*  
1161 East Wayzata Blvd., #154  
Wayzata, MN 55391  
612-805-3966  
interspacezone@gmail.com

GOVERNMENT  
EXHIBIT

1

STATE OF MINNESOTA  
COUNTY OF HENNEPIN

DISTRICT COURT  
FOURTH JUDICIAL DISTRICT  
CASE TYPE: CIVIL

---

Virginia Marie Carlson,  
Plaintiff,

Court File No. \_\_\_\_\_

**COMPLAINT**

v.

Educational Credit Management Corporation  
(ECMC), Allied Interstate, LLC, U.S. Department  
of Education,  
Defendants.

---

Plaintiff Virginia Carlson ("Plaintiff") for her complaint states and alleges as follows:

**INTRODUCTION**

Allied Interstate a collection agency for ECMC has sent Virginia Wagenaar a student loan debt collection letter September 7, 2018 (Addendum A) to plaintiff's address at 1161 East Wayzata Blvd., #154, Wayzata, MN 55391 to collect \$20,728.78 for ECMC. The debt is not owed.

On August 2, 2019, Virginia Carlsons social security benefits were garnished in the amount of \$ 137.10. Ms. Carlson contacted the social security office and discovered the U.S. Department of Education was garnishing the account; that there was nothing she could do to stop it. Ms. Carlson contacted the U.S. Department of Education and was

directed to contact ECMC. Ms. Carlson contacted ECMC and was directed to contact Allied Interstate, LLC. On Friday August 23, 2019 Ms. Carlson talked to different representatives from the collection agency Allied Interstate, LLC and they said there was nothing they could do but continue to harass Ms. Wagenaar for payment of the debt. The agency did say they would forward the file information by mail to the above address.

There is no debt owed to ECMC for an alleged student loan. This collection tactic is theft from Ms. Carlson's social security benefits, fraudulently using Ms. Carlsons social security number to state their claim. Ms. Carlson demands immediate halt to garnishment of her social security benefits.

Plaintiff Virginia Carlson brings this action seeking an order declaring that ECMC and its affiliates, subsidiaries, representatives and/or assigns are prohibited from garnishing the social security benefits of Virginia Carlson and enjoining ECMC from continuing to exercise garnishment using Virginia Carlson's social security number.

#### **PARTIES AND VENUE**

1. Plaintiff Virginia Carlson is a resident of Minnesota with mailing address, phone and email as follows:

Virginia Carlson, 1161 East Wayzata Blvd. #154, Wayzata, MN 55391;  
612-805-3966; email: interspacezone@gmail.com.

2. Allied Interstate is the alleged collection agency for ECMC with mailing address, phone and email as follows:

**Allied Interstate, LLC., P.O. Box 19312, Minneapolis, MN 55419;**



(800) 811-4214 (9am-6pm ET); (866) 428-9877; (800) 367-1590;  
advocacygroup@allied-interstate.com

2. ECMC is the alleged debt agency for the U.S. Department of Education.

**ECMC**, 111 Washington Ave. S. Ste. 1400, Minneapolis, MN 55401-2108;  
888-221-3262; email through website: [www.ecmc.org](http://www.ecmc.org)

3. U.S. Department of Education is the alleged debtor.

**US Department of Education**, 400 Maryland Ave. SW, Washington, DC 20202;  
800-872-5327; email through website.

4. This Court has subject-matter jurisdiction over Plaintiff's claims pursuant to Minn. Stat. §§ 484.01 and 555.01, et. seq.

5. Venue is proper in Hennepin County, Minnesota, pursuant to Minn. Stat. § 542.09, because defendant resides in this county, and ECMC has offices in this county.

### **FACTS**

1. According to Allied Interstate, Ms. Wagenaar took out a loan September 13, 1983 in the amount of \$ 6,655.00 from Bank One Trust.
2. At some point the alleged loan was in default.
3. At some date the alleged loan was turned over to ECMC.
3. A letter was sent to Virginia Wagenaar September 7, 2018 at the address of Plaintiff Virginia Carlson.
4. As of August 2, 2019 Plaintiff Virginia Carlson's social security benefits are being garnished using her social security number because of the alleged debt.
5. The amount of garnishment is \$ 137.10 set to be deducted monthly that is illegal theft of old-age benefits violation of 42 U.S. Code chapter 7.
6. The alleged debt is not owed.

7. The alleged debt collection violates the Fair Debt Collection Practices Act (FDCPA).
8. The alleged debt collection violates the Minnesota Fair Debt Collection Practices Act Minn. Stat. § 332.
9. The alleged debt collection violates Minn. Stat. § 270C.435.
10. The alleged debt collection violates Minn. Stat. § 571 and Minn. Gen. R. Prac. 136.
11. The alleged debt is not owed due to Minn. Stat. § 136A.1792 and § 136A.1793 Federal Loan Forgiveness if Plaintiff.
12. The alleged debt is not owed due to forbearance indigency if Plaintiff.

#### **COUNT I - DECLARATORY RELIEF**

13. Plaintiff re-alleges and incorporates by reference all preceding paragraphs of this Complaint as if fully set forth herein.
14. Plaintiff is adversely affected by illegal debt collection by ECMC and its affiliates, representatives, agency and/or assigns, and is entitled under Minnesota Stat § 555.02 to request the Court to enter a declaration that prohibits ECMC its affiliates, representatives, agency and/or assigns to include Allied Interstate, LLC. from continuing to garnish the social security benefits of Plaintiff Virginia Carlson using here social security number for any garnishment.
15. The parties disagree on whether the debt is owed. This Court should resolve the controversy and afford the parties relief from the uncertainty regarding continued invalid, illegal debt collection by declaring that ECMC its affiliates, representatives, agency and/or assigns to include Allied Interstate, LLC. is prohibited from continuing to garnish

the social security benefits of Plaintiff Virginia Carlson and any other unlawful garnishment tactics.

### **COUNT II – INJUNCTIVE RELIEF**

16. Plaintiff re-alleges and incorporates by reference all preceding paragraphs of this Complaint as if fully set forth herein.

17. ECMC its affiliates, representatives, agency and/or assigns is prohibited by federal and state law from continuing collection of alleged debt. Plaintiff requests that the Court enter an order enjoining ECMC its affiliates, representatives, agency and/or assigns to include Allied Interstate, LLC. from doing the same.

### **PRAYER FOR RELIEF**

WHEREFORE, Plaintiff requests the following relief:

1. Declaratory judgment that ECMC its affiliates, representatives, agency and/or assigns to include Allied Interstate, LLC. acting as agency of the U.S. Department of Education and U.S. Department of Education's intention to collect an alleged student loan debt not owed is illegal.
2. An order enjoining ECMC its affiliates, representatives, agency and/or assigns to include Allied Interstate, LLC acting as agency for U.S. Department of Education and the U.S. Department of Education from continuing to garnish the social security benefits of Plaintiff, and other garnishment using the social security number of Virginia Carlson for an alleged student loan debt not owed;

3. An order for a true and correct, authentic copy of the full file record of the alleged student loan debt from Allied Interstate, ECMC, and US Department of Education that led to the fraudulent garnishment of Virginia Carlson's social security benefits.
4. For the recovery of reasonable damages in an amount greater than \$50,000 pursuant to Minn. R. Civ. P. 8.01;
5. Such other relief as the Court deems just and equitable.

Dated: August 26, 2019

Respectfully submitted,

*/s/ Virginia Carlson, pro se Plaintiff*  
1161 East Wayzata Blvd. #154  
Wayzata, MN 55391  
612-805-3966  
interspacezone@gmail.com





866-428-9880

September 7, 2018

Virginia M Wagenaar  
1161 Wayzata Blvd E # 154  
Wayzata, MN 55391-1935

Re: Educational Credit Management Corporation Account No. \*\*\*\*\*RM97  
Amount Owed: \$20,728.78  
Reference No.: 551097334024

Virginia M Wagenaar:

We are a debt collection company and Educational Credit Management Corporation has contracted with us to collect the debt noted above. This is an attempt to collect a debt and any information obtained will be used for that purpose.

As of the date of this letter, the Amount Owed is \$20,728.78. Because the creditor continues to assess interest on the debt, the amount due on the day you pay may be greater. Hence, if you pay the Amount Owed shown above, an adjustment may be necessary after we receive your payment, in which event we will inform you of any remaining balance. To make a payment, please mail your payment using the coupon on the reverse side of this letter or telephone us at 866-428-9880. When you provide a check as payment, you authorize us to either use information from your check to make a one-time electronic fund transfer from your account or to process the payment as a check transaction. For inquiries, please call the number at the top of this notice.

Unless you notify us within 30 days after receiving this letter that you dispute the validity of this debt or any portion thereof, we will assume that this debt is valid. If you notify us in writing within 30 days after receiving this letter that you dispute the validity of this debt, or any portion thereof, we will obtain and mail to you verification of the debt or a copy of a judgment. If you request of us in writing within 30 days after receiving this letter, we will provide you with the name and address of the original creditor, if different from the current creditor.

We look forward to receiving your payment.

Sincerely,

*Allied Interstate LLC*



P.O. Box 361445, Columbus, OH 43236  
advocacygroup@allied-interstate.com  
(800)-811-4214 (9:00 AM – 6:00 PM ET)

This Collection Agency is licensed by the Minnesota Department of Commerce.

RETURN MAIL ONLY  
P.O.Box 1954  
Southgate, MI 48195-0954

(Detach and return with payment)

5510973340241



0017590/0000001



Virginia M Wagenaar  
1161 Wayzata Blvd E # 154  
Wayzata, MN 55391-1935

Allied Interstate LLC  
PO Box 361445  
Columbus, OH 43236



CARROLL  
1161 E. WASHINGTON BLVD. #134  
WILMINGTON, MD 55391

Legal

ECMC  
111 WASHINGTON AVE. SUITE 915. 1400  
MINNEAPOLIS, MN 55401-2108